

30



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,264	11/17/2003	Pekka Salminen	014975-091	1735

7590 01/04/2005

HAROLD R. BROWN III
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1404

EXAMINER

TRUONG, THANH K

ART UNIT	PAPER NUMBER
----------	--------------

3721

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,264

Applicant(s)

SALMINEN ET AL.

Examiner

Thanh K Truong

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase “measuring the operation”, in claims 1 and 3, is vague and indefinite, because it is unclear what is being measured?

The phrase “control strategies”, in claims 1 and 3, is vague and indefinite, because it is unclear what are the metes and bounds of the control strategies?

The phrase “prioritized control is weighted”, in claims 1 and 3, is vague and indefinite, because it is unclear what is the claim limitation? Moreover, when one prioritized a task one weighted one task over the other, thus the phrase “prioritized control is weighted” is redundant.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3721

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogers et al. (4,195,699).

Rogers discloses a method and an apparatus comprising:

a control unit 20 provided with a user interface 36 for controlling the drilling;

at least one sensor 16, 18 for measuring drill operation; and

the operating system is provided with at least two simultaneously active preformed control modes (column 2, lines 2-4) with different control strategies, and each control mode determines at least one criterion to be measured during the drilling, a threshold value for a measurement result, and at least one adjustable operating parameter (column 2, lines 5-13);

one control mode can be prioritized over the other modes; and the control unit is arranged to automatically adjust, based on the measurement results, the operating parameters determined by the control modes such that the drilling result according to the prioritized control mode is weighted over the other control modes (column 2, lines 67-68 and column 3, lines 1-5).

The recitation "for a rock drilling apparatus", in claim 3, that comprising: a carrier, a feeding beam, and a rock drill is being treated as the preamble of the claim that claimed a control system, and therefore the rock drilling apparatus is not being considered as part of the claim limitation. Moreover, the control system as recited in claim 3 can be used to control other drilling apparatus.

Art Unit: 3721

Alternatively, the following 103 rejection is made in the event that the Applicant amends claim 3 as a combination of a control system and a rock drilling apparatus.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. (4,195,699) in view of Tuunanen (5,934,387).

Rogers discloses a method and an apparatus comprising:

a control unit 20 provided with a user interface 36 for controlling the drilling;

at least one sensor 16, 18 for measuring drill operation; and

the operating system is provided with at least two simultaneously active preformed control modes (column 2, lines 2-4) with different control strategies, and each control mode determines at least one criterion to be measured during the drilling, a threshold value for a measurement result, and at least one adjustable operating parameter (column 2, lines 5-13);

one control mode can be prioritized over the other modes; and the control unit is arranged to automatically adjust, based on the measurement results, the operating parameters determined by the control modes such that the drilling

Art Unit: 3721

result according to the prioritized control mode is weighted over the other control modes (column 2, lines 67-68 and column 3, lines 1-5).

Rogers discloses the claimed invention, but does not expressly disclose a carrier; a feeding beam, and a rock drill.

Tuunanen discloses a method and an apparatus comprising: a carrier 1, a feeding beam 3 (a-c), and a rock drill 4 (a-c) movable with respect to the feeding beam (figure 1). Tuunanen apparatus provides a highly effective automatic drilling equipments. Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Rogers method and apparatus by incorporating the drilling equipments as taught by Tuunanen to provide a effective automatic drilling equipments.

7. Claims 2 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. (4,195,699) in view of Tuunanen (5,934,387) and further in view of Osga (5,757,358).

As discussed above in paragraph 4 of this action, the modified method and apparatus of Rogers discloses the claimed invention, but does not expressly disclose the user interface system as recited in claims 2 and 4-7.

Osga discloses a method and apparatus that comprising a user interface control system in which the user employs the control cursor in the operating area to manipulate the control function. The computer (figure 1) will determine the x and y coordinates of the objects with respect to the cursor center location (column 4, lines15-21). Osga method and apparatus allows user to make

Art Unit: 3721

selection thru user interface control system and the computer will calculate the result base on the selection.

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Rogers method and apparatus by incorporating the user interface control system as taught by Osga providing an effective automatic control system.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K Truong whose telephone number is (571) 272-4472. The examiner can normally be reached on Mon-Thurs from 8:00 AM to 6:30 PM.

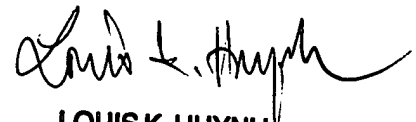
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3721

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tkt

December 22, 2004.


LOUIS K. HUYNH
PRIMARY EXAMINER